

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

DRAFT
10.16.15

RESOLUTION 6

LLS NO. R16-0199 Jennifer Berman x3286 **INTERIM COMMITTEE RESOLUTION**

Water Resources Review Committee

BILL TOPIC: "Good Samaritan Remediation Abandoned Mines"

INTERIM COMMITTEE JOINT RESOLUTION [MEMORIAL]

101 **CONCERNING PROTECTION FROM LIABILITY FOR VOLUNTARY**
102 **RECLAMATION OF ABANDONED HARD ROCK MINES.**

1 WHEREAS, Mining began in Colorado in the mid-1800s; and

2 WHEREAS, Mining was the most significant industry in Colorado
3 in the nineteenth and early twentieth centuries and it remains an important
4 industry today, currently accounting for more than 57,000 jobs in
5 Colorado and nearly \$7 billion of Colorado's annual gross domestic
6 product; and

7 WHEREAS, Until the 1977 enactment of the "Colorado Mined
8 Land Reclamation Act", article 32 of title 34 of the Colorado Revised
9 Statutes, neither comprehensive environmental standards for mining nor
10 reclamation of previously mined lands were required by state law; and

11 WHEREAS, Modern mines in Colorado have won state and
12 national acclaim for outstanding reclamation and safety practices; and

13 WHEREAS, Despite the stringent environmental regulations now
14 in place for modern mines, abandoned hard rock mines that were closed
15 before the regulations took effect and without the benefit of reclamation
16 (abandoned hard rock mines) continue to threaten the public health,
17 safety, and environment of Colorado; and

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

1 WHEREAS, Acid-mine drainage from the abandoned hard rock
2 mines threatens to pollute nearby streams with heavy metals such as
3 cadmium, manganese, aluminum, and zinc; and

4 WHEREAS, According to the U.S. Environmental Protection
5 Agency, it would cost \$35 billion or more to remediate the half-million
6 abandoned hard rock mines in the United States; and

7 WHEREAS, The Colorado Division of Reclamation, Mining and
8 Safety (DRMS) estimates that there are more than 22,000 abandoned hard
9 rock mines across Colorado and that at least 500 of them are polluting
10 streams; and

11 WHEREAS, The Gold King Mine spill on August 5, 2015,
12 discharged 3 million gallons of acidic mine drainage from the abandoned
13 Gold King Mine near Silverton, Colorado, into the Animas River. The
14 contaminants turned the river a mustard yellow color and required the
15 river to be temporarily closed for recreation, fishing, irrigation, and
16 drinking water purposes; and

17 WHEREAS, As of August 11, 2015, the Gold King Mine
18 continued to spill 500 to 770 gallons of waste water per minute; and

19 WHEREAS, While the DRMS has already made more than 6,000
20 abandoned hard rock mines safe in Colorado according to its web site, the
21 Gold King Mine spill is sobering evidence that much more work needs to
22 be done to remediate abandoned hard rock mines; and

23 WHEREAS, Various nonprofit organizations, corporate entities,
24 and communities with expertise in mine reclamation have expressed
25 interest in helping to remediate abandoned hard rock mines; and

26 WHEREAS, These Good Samaritan groups are discouraged from
27 remediating abandoned hard rock mines because of the threat of liability
28 under the "Clean Water Act" (CWA) and the "Comprehensive
29 Environmental Response, Compensation, and Liability Act of 1980"
30 (CERCLA) for such third-party reclamation efforts; and

31 WHEREAS, Congressman Tipton and Senator Udall introduced
32 identical bills in the 113th Congress in 2013, H.R. 2970 and S. 1443
33 respectively, both entitled the "Good Samaritan Cleanup of Abandoned
34 Hardrock Mines Act of 2013", to establish a Good Samaritan exemption
35 from liability under the CWA and CERCLA for third-party reclamation
36 of abandoned mines, but Congress failed to pass the bills; now, therefore,

37 *Be It Resolved by the _____ of the Seventieth General Assembly of the
38 State of Colorado, the _____ concurring herein:*

39 That we, the members of the Colorado General Assembly, urge
40 Congress to pass legislation establishing a Good Samaritan exemption
41 from liability under the CWA and CERCLA as an important step toward
42 preventing another disaster like the Gold King Mine spill.

1 *Be It Further Resolved*, That copies of this Joint Resolution
2 [Memorial] <***If this is introduced in the Senate, it will need to be a***
3 ***Joint Memorial***> be sent to the members of Colorado's congressional
4 delegation.